

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

BRYAN OMAR SANCHEZ LOZADA,

Plaintiff,

v.

Case No: 6:23-cv-1652-CEM-LHP

RESEARCHERS ASSOCIATES, INC.,

Defendant

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**ORDER AND DIRECTION TO THE CLERK**

On August 28, 2023, Plaintiff Bryan Omar Sanchez Lozada filed a Complaint against Defendant Researchers Associates, Inc., alleging violations of the federal Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, *et seq.*, arising out of an employment background check report that Defendant published to Plaintiff's potential employer, which allegedly falsely portrayed Plaintiff as having a lengthy criminal history. Doc. No. 1. Plaintiff properly served Defendant on September 18, 2023, with service being made on Defendant's registered agent, Mary Gay, at Defendant's listed address of 633 Timberlane Road, Tallahassee FL 32312. Doc.

No. 10.<sup>1</sup> See Fla. Stat. §§ 48.081(3)(a); 48.091. As such, Defendant's response to the Complaint was due on or before October 10, 2023.<sup>2</sup> See Fed. R. Civ. P. 12(a)(1)(A).

On that deadline, Defendant filed a Motion to Dismiss for Failure to Join Indispensable Party. Doc. No. 12. And on October 12, 2023, Defendant filed a "Motion to Accept Out of Time." Doc. No. 13. Both motions are signed by "Mary Gay, on behalf of Researcher's Associates, Inc." Doc. Nos. 12-13. However, Defendant is a corporate entity, and Local Rule 2.02(b)(2) provides that "[a] party, other than a natural person, can appear through [a] lawyer only." As previously noted, Mary Gay is Defendant's registered agent, and there is no suggestion in either motions or otherwise that she is an attorney admitted to practice in the Middle District of Florida. To the contrary, in the "Motion to Accept Out of Time," Defendant states that Mary Gay is not an attorney. Doc. No. 13.

Pursuant to Local Rule 2.02(b)(2), both Motions (Doc. Nos. 12-13) are therefore **STRICKEN and the Clerk is DIRECTED to remove them from the docket.**

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<sup>1</sup> The Court has confirmed that Mary Gay is Defendant's registered agent, and that the address listed is that of Defendant's registered agent, by reviewing the website for the Florida Department of State Division of Corporations, available at [www.sunbiz.org/inquiry/corporationsearch/byname](http://www.sunbiz.org/inquiry/corporationsearch/byname) by placing "Researchers Associates, Inc." in the entity name field.

<sup>2</sup> 21 days from the date of service is actually October 9, 2023, which was a federal holiday. See Fed. R. Civ. P. 6(a)(1)(C).

On October 11, 2023, the day after Defendant filed the now-stricken motion to dismiss, Plaintiff filed a motion for entry of Clerk's Default, which is premised entirely on the fact that Defendant did not respond to the complaint by October 9, 2023. Doc. No. 11. However, as noted above, October 9, 2023 was a federal holiday, therefore Defendant's response was not due until October 10, 2023. And on that date, Defendant did attempt to respond, albeit in violation of the Local Rules. Therefore, Plaintiff's motion for entry of Clerk's Default (Doc. No. 11) is **DENIED WITHOUT PREJUDICE.**

Because it appears that Defendant wishes to litigate this case, the Court will provide Defendant **thirty (30) days** from the date of this Order to obtain legal counsel and to respond to the Complaint. Defendant may only appear and file documents in this case through counsel admitted to practice in this Court. Any other *pro se* filings will be summarily stricken. **Failure to comply with this deadline may result in the entry of Clerk's default against Defendant as to all claims. Moreover, at the conclusion of this time period, if counsel for Defendant has not appeared in this case, Plaintiff may refile its motion for entry of Clerk's default.**

**DONE** and **ORDERED** in Orlando, Florida on October 13, 2023.

A handwritten signature in blue ink that reads "Leslie Hoffman Price". The signature is written in a cursive style and is positioned above a horizontal line.

LESLIE HOFFMAN PRICE  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties